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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,200	12/08/2004	Masaya Ocho	2004-1944A	7601

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Wenderoth, Lind & Ponack
Suite 800
2033 K Street N W
Washington, DC 20006

EXAMINER

SANDERS, KRIELLION ANTIONETTE

ART UNIT PAPER NUMBER

1714

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/517,200

Applicant(s)

OCHO ET AL.

Examiner

Kriellion A. Sanders

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim s 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. 2001-192482 in view of Japanese Patent No. 07082449 and Yamamoto et al, US Patent No. 5719245 (equivalent to JP 7-224201 cited on applicant's International Search Report).

Applicant claims a polyol curable fluororubber comprising

100 parts by weight of fluororubber

6-15 parts by weight magnesium oxide

0.5 to 5.0 parts by weight of a hydrotalcite-group compound.

20-55 parts by weight of a mixture of thermal black and bituminous coal

Applicant also discloses a method for the production of the composition wherein the fluororubber is cured in the presence of the polyol by a stepwise temperature elevation treatment at 100 to 300 degrees C.

Japanese Patent No. 2001-192482 discloses a polyol curable fluororubber useful for manufacturing seal packing comprising:

100 parts by weight of fluororubber

4-15 parts by weight magnesium oxide

10-50 parts by weight of a mixture of thermal black and bituminous coal.

Art Unit: 1714

The ratios of the components of the Japanese reference overlap with those of applicant's invention. The patented invention differs from applicant's invention in that it fails to include 0.5 to 5.0 parts by weight of hydrotalcite group compound. Patentee also discloses a method for the production of the composition wherein the fluororubber is vulcanized in the presence of the polyol with subsequent heat treatment at 250 to 300 degrees C. This vulcanization method is considered to be equivalent to applicant's temperature elevation treatment, absent the disclosure of any particulars that would render it as being distinct. The Japanese Patent discloses that fluororubbers may be used in a generic sense. Specific species of fluororubbers are not set forth. Therefore, the use of any specific species of fluororubber including vinylidene fluoride-hexafluoropropene-based copolymerized rubber would be an obvious selection of fluororubber for purposes of the invention.

Japanese Patent No. 07082449 discloses a polyol curable fluororubber useful for manufacturing seal packing comprising a fluororubber and a hydrotalcite-analog compound. The fluororubbers are said to have good oil-resistance while maintaining sufficient properties in processability, mold-releasability and vulcanization properties.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the hydrotalcite-analog compound of Japanese Patent No. 07082449 into the fluororubbers of Japanese Patent No. 2001-192482 to produce fluororubbers having good oil-resistance and sufficient properties in processability, mold-releasability and vulcanization properties.

Applicant's arguments filed 12/05/05 have been fully considered but they are not persuasive. Applicant's arguments are based on limitations that are not set forth in the claims.

Art Unit: 1714

Applicant states that Japanese '449 discloses hydrotalcites that differ from the hydrotalcites of the group compound of applicant's claim 1. However, it is the examiner's position that the hydrotalcite of the Japanese reference reads directly on the hydrotalcite of applicant's claim 1. Therefore, the rejection is maintained. The heat treatment at 250 to 300 degrees C. disclosed by JP '482 is considered to generically encompass applicant's temperature elevation treatment in that it includes continuous and step-wise heat treatments. Absent the disclosure of any particulars that would render it as being distinct and any showing of unexpected results attributable to the step-wise treatment, this limitation is not sufficient to overcome the rejection, particularly since there are no clear steps to the step-wise heat treatment in claims 4, 5 and 7-12 and no unexpected results indicated for claims 15-20. Yamamoto et al '245 teaches the step-wise heat treatments of applicant's new claims 15-20. See col. 3, lines 22-30. These types of heat treatments are considered conventional for fluorine containing polymers.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 1714

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kriellion A. Sanders whose telephone number is 571-272-1122. The examiner can normally be reached on Monday through Thursday 6:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kriellion A. Sanders
Primary Examiner
Art Unit 1714